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1509-260

REMARKS

Applicant acknowledges the July 15, 2004 telephone conference between the undersigned attorney for applicant and Examiner Michalski. The telephone conference was prompted by the failure of the Applicant to understand the comment on page 12, item 7 of the office action. The Examiner's reply was that Figure 5 on page 167, column 2, paragraph 2 of Schmandt discloses multiple sound files (i.e., sources) in each room and these multiple sound files in each room form a group, as defined in claim 1, for example.

While Applicant still has a problem understanding the relevancy of this comment to independent claims 1, 12 and 22, these claims have been amended to define Applicant's contribution to the art with greater clarity. Method claim 1 now requires:

automatically and cyclically un-muting each group of sound sources in turn for a limited period with the groups other than the current cyclically un-muted group being at least partially muted.

Each of apparatus claims 12 and 22 now includes a similar limitation. Entry of the amendment is in order because the new language is merely a clarification of the prior language. No new search nor consideration of new issues is required as a result of the changes to claims 1, 12 and 22. Attorney for applicant did not make the changes earlier because he thought claims 1, 12 and 22 previously clearly defined the invention. Upon further review of the claims, he realized the current amendments made claims 1, 12 and 22 clearer.

Amended independent claims 1, 12 and 22 are not anticipated by Schmandt. Applicant agrees that the Schmandt sound sources belonging to a room can be properly considered as a group of sound sources. However, such a group (a "room group")

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appears in two different contexts and Applicant is not sure which context is being considered by the Examiner.

In the first context, as viewed from the hallway, Schmandt represents the room group by a single braided audio sound source. Schmandt describes braided audio in the section of his article starting on page 165. As indicated in Figure 2, individual sounds of a braided audio sound source are automatically and cyclically muted and un-muted. This is the only disclosure by Schmandt of automatic cyclic muting and un-muting of sounds. The braided audio stream representing each room group is NOT automatically and cyclically muted and un-muted. Instead, the loudness of the audio braid of a particular room depends on the position of the user in the virtual hallway.

The second context relates to a user "entering" a room. When a user "enters" a room, the sound files associated with the room are notionally positioned about the user's head, i.e., the sound files are equi-angularly spaced around the user's head. The files from which the sounds appear to emanate depend on the direction the user is facing.

In Figure 5, sounds emanate from the three shaded files, that is, the three files the user is facing. However, sounds from these three files emanate from positions that are more spread out than the notional positions of the corresponding files. This is the "fisheye lens" effect Schmandt mentions on page 168, column 2, and illustrates in FIG. 6. In Figure 6, the size of the shaded circles represents the playback amplitude of the sounds emanating from the sound files. The sound file most towards the facing direction of the user has the loudest sound. As the user turns his or her head, the sound files mute/unmute as necessary.

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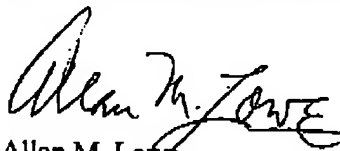
Since the sound files in a room all belong to the same group, Applicant does not understand how the Examiner could interpret this part of Schmandt as disclosing or inherently including cyclic muting and un-muting of a room group. Schmandt appears to disclose the user-controlled muting and un-muting of individual sound files of a single group in response to a user turning his or her head. This is clearly not automatic and cyclic muting / un-muting either of individual sounds or of the room group. In Schmandt, the overall sound level of the room group presumably appears to stay fairly constant.

It therefore appears that regardless of how Schmandt is being considered by the Examiner, Schmandt does not disclose or inherently include the automatic and cyclic muting / un-muting of each of several sound-source groups in turn.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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